

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

§
§
§
§
§
§
§
§

Civil No. 1:21-cv-796-RP

UNITED STATES' RESPONSE TO MOTION FOR IN-PERSON HEARING

The United States hereby responds to Texas's Motion for In-Person Hearing, filed September 27, 2021 (Dkt. 37). The United States continues to take no position on Texas's request to hold this Friday's preliminary injunction in person—a position it conveyed to the State via email at 10:15 a.m. CDT on Friday, September 24, 2021, in response to a 1:34 a.m. CDT email the State sent that morning. But in light of the arrangements the United States would need to make in the event the Court chooses to hold the hearing in person, the United States respectfully requests that the Court issue a decision on Texas's motion by this evening, September 28, 2021.

Dated: September 28, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRIAN D. NETTER
Deputy Assistant Attorney General

MICHAEL H. BAER
ADELE M. EL-KHOURI
Counsel to the Acting Assistant Attorney
General, Civil Division

ALEXANDER K. HAAS
Director, Federal Programs Branch

JACQUELINE COLEMAN SNEAD

Assistant Branch Director

DANIEL SCHWEI
Special Counsel

/s/ James Powers

Lisa Newman (TX Bar No. 24107878)
James R. Powers (TX Bar No. 24092989)
Joshua M. Kolsky
Kuntal Cholera
Christopher D. Dodge
Cody T. Knapp
Olivia Hussey Scott
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Tel: (202) 353-0543
James.r.powers@usdoj.gov

Counsel for the United States

CERTIFICATE OF SERVICE

I certify that a copy of this filing was served on Texas and its counsel of record through electronic filing in the Court's ECF system.

/s/ James Powers
James R. Powers